

Town of Amherst 2008 Legislative Agenda

General

Local governments have a vital role in the Commonwealth. They must have sufficient authority and flexibility to meet this role. The General Assembly should adopt legislation to promote and expand, to the extent necessary, municipal powers to enhance the ability of local governments to provide services required by their citizens and to allow local governments to meet their responsibilities in state/local partnerships.

The General Assembly should recognize towns as essential units of local government, with important roles in providing services. Towns should have clear and full authority to act in a timely manner on matters which protect public health, safety and welfare.

The General Assembly should scrutinize bills dealing with laws of general application to local governments to avoid enacting any laws that would be sources of possible conflicts between counties and towns. The following list provides examples of conflicts between towns and counties exacerbated by legislative action:

- Taxation of town residents by county governments at the same rates as that applied to those living in the county's unincorporated areas, when comparable benefits and services are not provided;
- County imposition of a merchants' capital tax on businesses located within the town at the same rate as that applied to businesses located in unincorporated areas of the county, when the town levies a business, professional and occupational tax;
- Unequal town zoning and planning authority for land straddling or abutting town corporate boundaries and unincorporated county areas;
- The funding of county sheriffs' and deputy sheriffs' salaries by the State Compensation Board and other state-funded amenities not provided to town police departments; and
- The unequal statutory authority of towns in relationship to that of cities and counties.

Community Planning and Development

Land Use/Management

The Amherst Town Council asserts that local government shall maintain control over local planning and land use decisions. The state should respect and protect the role of local governments to plan for and guide their own future. The Amherst Town Council opposes any legislation that would weaken current local government authority over land use regulation.

Economic Development

The Amherst Town Council supports continued funding for the Governor's Opportunity Fund, workforce training programs and Economic Development Access program as a means for the state to assist local governments in making infrastructure improvements necessary to attract and support economic development.

Water and Sewer Fees

The Amherst Town Council opposes legislation to cap water and sewer fees or otherwise impose fiscal constraints on the ability of local governments to provide water and sewer services and public utilities. Furthermore, the Council opposes the imposition of a state fee, tax, or surcharge on water, sewer, solid waste or on any other local government service.

Eminent Domain

The Amherst Town Council supports amending the *Code of Virginia* to ensure that the rights of property owners continue to be respected while preserving powers of local government and governmental agencies to preserve condemnation authority provided for public purposes only, such as schools, parks and roads.

Manufactured Housing

The Amherst Town Council opposes any further dilution of the zoning and land-use authority of local governments as it pertains to manufactured housing.

Finance

The state and local government tax structure must sustain core government responsibilities. Financially stable local governments are a key component of any strategy to compete in the global marketplace. Local governments must retain control of their existing revenue sources so that they have a reliable revenue base to meet the needs of the citizens. The General Assembly should not reduce or narrow local government taxing authority. Additionally, the General Assembly must not reduce the state funding streams that are returned to the localities.

Unfunded Mandates

The state government must provide adequate funding for any local programs or responsibilities that are mandated or responsibilities that are mandated by state and federal laws or regulations. For instance, the state recently required all local governments to write water supply plans but did not provide funding to cover the costs of preparing those plans. State mandates must be reduced when funding is reduced, so that localities are not required to spend additional local dollars to comply with the mandates. Further, funds should be distributed in the most efficient way possible with the least regulatory control.

The Amherst Town Council opposes unfunded mandates by the state government. When funding for a mandated program is reduced due to declining state revenue, the mandate should be suspended until full funding can be restored, rather than shifting the fiscal responsibility from the state to localities for existing program. The Amherst Town Council expects the state to honor its commitments to local governments and unfunded mandates are counterproductive to that end.

Car Tax (PPTRA)

In the 2004 Session of the General Assembly, significant reforms were enacted affecting Car Tax reimbursements to local governments. Effective in Calendar Year 2006, the program is no longer based on a percentage reimbursement. Rather, the State has capped annual reimbursements at a fixed dollar amount of \$950 million. The percentage of local Car Tax relief will now depend upon local factors such as population growth and number of cars garaged in the jurisdiction. Citizens will each year receive a smaller percentage of car tax relief, while the State provides local governments with the same capped reimbursement. The Amherst Town Council supports increased funding for local reimbursement of the PPTRA program so that the state's share of the reimbursement is fully funded. Additionally, the General Assembly must promptly reimburse localities.

Taxing Authority

The Amherst Town Council opposes any effort to restrict or limit the sources of revenue available to local governments, such as limiting the growth of real estate revenue, real estate assessments, real estate tax rates, personal property taxation and/or Business, Professional,

Occupational License (BPOL). The erosion of local revenue sources reduces local flexibility, increases local government's reliance on the real property tax and jeopardizes local bond ratings. If the State does eliminate or restrict local revenue sources, it should replace those revenues lost to the localities. The loss to localities includes not only current revenues being derived from the revenue source but also potential increases in revenues due to growth or rate increases. The Amherst Town Council opposes the elimination of its Constitutional authority to tax personal property and opposes any legislation imposing real property tax limitations.

Income Tax Sharing

The Amherst Town Council supports the concept that would allow local governments to retain a portion of income tax revenue that flows to the Commonwealth of Virginia.

Homeland Security

Local public safety agencies have to bear a high percentage of the cost and burden of providing homeland security measures. The General Assembly should make certain that localities are including in the planning process for homeland security measures and that federal funds received for homeland security flow through to these local agencies to pay for eligible costs. Previous federal funding has been used up at the state level and the true "first responders" have been left with little or no funding to support local safety and security measures.

Transportation

Transportation Funding

Virginia's transportation system continues to experience a major funding crisis that must be addressed by the 2008 session of the General Assembly. The General Assembly should approve increased revenues for transportation that are separate, reliable and permanent to avoid further congestion and mobility crisis that would hamper economic growth and negatively affect the quality of life of all citizens.

The General Assembly must promote the security and enhancement of all modes of transportation including efforts directed at non-motorized alternative modes such as bicycle and pedestrian pathways. It should also promote fiscally responsible transportation solutions through the enactment of funding policies that foster reduced congestion, enhanced access, and safety assurances. The legislature must develop plans to sufficiently sustain, with adequate maintenance funding, and expand, with adequate capital funding, the state's transportation network to accommodate projected demand. Legislators must also recognize the vital role local leaders play in the development of state, regional and local transportation plans and work with local leaders to implement and fund plans.

Furthermore, coordination between local governments and the state on land use planning and transportation is necessary. However, the state should not shift the obligation for funding road construction and maintenance to local governments.